

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

PAMELA SUAREZ, individually and on
behalf of all others similarly situated,

Plaintiff,

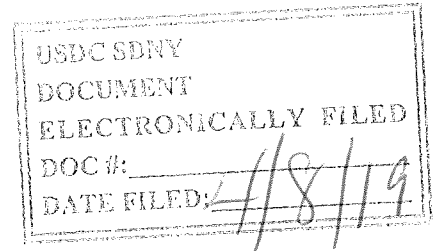
vs.

CALIFORNIA NATURAL LIVING, INC.,
d/b/a CALIFORNIA BABY + KIDS,

Defendant.

CASE NO. 7:17-cv-09847-VB

**CIVIL CASE DISCOVERY PLAN AND
SCHEDULING ORDER**



This Civil Case Discovery Plan and Scheduling Order is adopted, after consultation with counsel and any unrepresented parties, pursuant to Fed. R. Civ. P. 16 and 26(f). The parties have conferred and submit that because the Complaint seeks to assert claims on behalf of a national class pursuant to Federal Rule 23, and because the Court will need to hear and decide a motion for certification, and certain fact and expert discovery may only be appropriate if the Court grants certification, additional time is required under the schedule for fact and expert discovery, and for Plaintiff's anticipated motion for class certification, extending the deadlines beyond the dates called for in the Court's form Civil Case Discovery Plan and Scheduling Order.

1. All parties do not consent to conducting all further proceedings before a Magistrate Judge, including motions and trial, pursuant to 28 U.S.C. § 636(c). The parties are free to withhold consent without adverse substantive consequences.
2. This case is to be tried to a jury.
3. Amended pleadings may not be filed and additional parties may not be joined except with leave of the Court. Any motion to amend or to join additional parties shall be filed by May 8, 2019.
4. Initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1) shall be completed by April 22, 2019.
5. Fact Discovery
 - a. All fact discovery shall be completed by January 17, 2020.
 - b. Initial discovery requests shall be served by May 8, 2019.
 - c. Non-expert depositions shall be completed by January 17, 2020.

- d. Any of the interim deadlines in paragraphs 5(b) through 5(c) may be extended by the written consent of all parties without application to the Court, provided that all fact discovery is completed by the date set forth in paragraph 5(a).

6. Class Certification and Expert Discovery

- a. Plaintiff will file her motion for class certification and expert reports pertaining to class certification pursuant to Fed. R. Civ. P. 26(a)(2) on or before April 3, 2020.
- b. Defendant will file its opposition to Plaintiff's motion for class certification and any expert reports pertaining to class certification pursuant to Fed. R. Civ. P. 26(a)(2) on or before June 5, 2020.
- c. Plaintiff shall file her reply on her motion for class certification and any rebuttal reports on class certification issues on or before July 2, 2020.
- d. The parties will make their experts available for deposition upon request by the other party.
- e. The Court will hear any motion for class certification on July 16, 2020, or as soon thereafter as is convenient for the Court.
- f. The interim deadlines in paragraphs 6(b), 6(c) and 6(d) may be extended by the written consent of all parties without application to the Court, provided that all expert discovery is completed by the date set forth in paragraph 6(a).
- g. Within 7 days following the Court's ruling on Plaintiff's motion for class certification, the parties will meet and confer to determine whether any additional merits discovery (including expert discovery) is needed for trial. The parties will prepare a proposal to the Court within 14 days following the Court's order on class certification pursuant to their discussions.
- h. The parties have conferred and their present best estimate of the length of the trial if class certification is granted is 10 days. The parties' best estimation of the length of trial if class certification is not granted is 3 days.

7. **ALL DISCOVERY SHALL BE COMPLETED BY: 90 days following the Court's ruling on class certification.**

- 8. All motions and applications shall be governed by the Court's Individual Practices, including the requirement of a pre-motion conference before a motion for summary judgment is filed.

- 9. Unless otherwise ordered by the Court, within 30 days after the date for the completion of discovery, or, if a dispositive motion has been filed, within 30 days after a decision on the motion, the parties shall submit to the Court for its approval a Joint Pretrial Order prepared in accordance with the Court's Individual Practices. The parties shall also

comply with the Court's Individual Practices with respect to the filing of other required pretrial documents.

10. This Civil Case Discovery Plan and Scheduling Order may not be modified or the dates herein extended without leave of the Court or the assigned Magistrate Judge acting under a specific order of reference (except as provided in paragraphs 5(d) and 6(f) above).
11. The Magistrate Judge assigned to this case is the Honorable Paul E. Davison.
12. If, after the entry of this Order, the parties consent to trial before a Magistrate Judge, the Magistrate Judge will schedule a date certain for trial and will, if necessary, amend this Order consistent therewith.
13. The next case management conference is scheduled for 1/23/20 at 9:30 a.m.
14. The parties shall participate in a private mediation before a mutually agreed upon mediator no later than June 30, 2019. Within thirty days after completing their mediation, the parties shall submit a joint statement to the Court on the status of settlement discussions.
15. Any motion for summary judgment shall be filed within thirty days after the Court enters its ruling on class certification.

DATED: 4/8/19
White Plains, NY

SO ORDERED



Vincent L. Briccetti
United States District Judge

16. No extensions will be granted absent compelling circumstances.
17. By 6/30/19, counsel shall submit joint letter regarding status of mediation.